

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GEORGE IVAN LOPEZ,)
v.) Civil Action No. 06 - 43
Plaintiff,)
DR. STANLEY FALOR, *MEDICAL DIRECTOR*;)
DIANE MANSON, *H.C.A.*; JOHN MCANANY,)
R.N.S.; SHARLEY HICKMAN, *P.A.*; NANCY)
ZEIGLER, *P.A.*; LOUIS FOLINO,)
SUPERINTENDENT; DIANE THOMAS,)
ADMINISTRATIVE STAFF; DAN DAVIS, *ACTING*)
GRIEVANCE COORDINATOR; SHARON M.)
BURKS *CHIEF HEARING DIRECTOR*; JEFFREY)
A. BEARD, *SECRETARY OF CORRECTIONS*;)
BRENDA MARTIN, *CAPITAL CASE MANAGER*,)
STATE CORRECTIONAL INSTITUTE AT GREENE,)
ADMINISTRATIVE STAFF AND MEDICAL)
DEPARTMENT, ALL IN THEIR INDIVIDUAL AND)
OFFICIAL CAPACITY)

ORDER

Plaintiff, Ivan Lopez, has filed a civil rights complaint pursuant to 42 U.S.C. § 1983. On May 1, 2006 he filed a Motion for Service of Process. On the 31st of that month this Court entered an order denying service as no copies of the complaint had been provided. He was, however, granted an extension until June 30 to either file an amended complaint naming less than the 11 defendants and possible shortening the complaint, which is 151 pages long. In lieu of providing the copies, Plaintiff requested that the Court provide him a copy of his original complaint. This was done on July 5, 2006 and Plaintiff was granted another extension to provide service copies until August 15.

What the Court has received instead is a motion to amend his original complaint to add two additional defendants. (Doc. No. 29).

As service has not been made and no responsive pleadings have been filed, pursuant to Rule 15 of the Federal Rules of Civil Procedure, leave to amend is not required. However, Plaintiff is still required to provide a sufficient number of copies of the complaint for service on now 13 defendants. Plaintiff may amend his complaint by preparing and filing a complete amended complaint, containing **all** of the allegations against **all** of the defendants he desires to sue, including an **amended caption**. When Plaintiff files said Amended Complaint, and provides the Court with 13 service copies together with completed service forms as directed in the Court's Order of July 5, 2006, then and only then, can service of the complaint be made and this case proceed forward. Therefore,

Plaintiff's Motion to Amend, although unnecessary, is **GRANTED** and Plaintiff is given another extension to file the Amended Complaint and provide the service copies to October 27, 2006. Failure to comply will result in an order to show cause why the case should not be dismissed for failure to prosecute.

Dated: September 28, 2006



Lisa Pupo Lenihan
United States Magistrate Judge

cc: GEORGE IVAN LOPEZ
CZ-3198
SCI Greene
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Waynesburg, PA 15370